

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
AT CINCINNATI**

LIBERTAS TECHNOLOGIES, LLC,	:	Case No. 1:10-CV-935
	:	
Plaintiff,	:	Chief Judge Susan J. Dlott
	:	
v.	:	Magistrate Judge Karen L.
	:	Litkovitz
CHERRYHILL MANAGEMENT,	:	
INC., <i>et al.</i>,	:	JOINT MOTION OF DEFENDANTS
	:	FOR DISMISSAL OF PLAINTIFF'S
Defendants.	:	COMPLAINT UNDER RULE 12

NOW COME Defendants Cherryhill Management, Inc., and Todd Schwartz and jointly move this Court to dismiss Plaintiff's Complaint under Rule 12. Plaintiff's claim for copyright infringement must be dismissed because it fails to state a claim upon which relief can be granted. Specifically, the claim fails for lack of registration, lack of copyrightability, and is otherwise barred under 17 U.S. Code §117, as discussed in greater detail in the attached Memorandum. Accordingly, no other basis for the exercise of jurisdiction over Plaintiff's state law claims exists and Counts 2 through 9 should be dismissed without prejudice. Even if the Court elects to retain jurisdiction, those state law claims are likewise subject dismissal for failure to state claims as a matter of law. A proposed Order is attached for the Court's convenience.

Respectfully submitted,

/s/ Matthew D. Hemmer

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Trial Attorneys for Defendants
Cherryhill Management, Inc., and
Todd Schwartz

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing was served via the Court's electronic filing system, this 28th day of February, 2011, to all counsel of record.

/s/ Matthew D. Hemmer
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